

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. SA-18-CR-233-XR
)	
RICARDO SERRANO,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S
MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney and files this Motion for Preliminary Order of Forfeiture, pursuant to the provisions of Title 21 U.S.C. §§ 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2), 32.2(b)(2)(B), and 32.2(c)(1), and in support thereof states the following:

I.

On April 13, 2018, Defendant RICARDO SERRANO, entered into a written Plea Agreement (Doc. 3) as to Count One of the Information (Doc. 1) filed against him, charging him with the violation of Title 18 U.S.C. § 922(a)(1)(A). The Information (Doc. 1) also included a Notice of Demand for Forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, in which the United States gave notice of its intent to forfeit certain properties, namely:

- 1. Spike's Tactical LLC, Model: ST-15 Crusader, multi-caliber rifle, bearing serial number DV031784;**
- 2. Bravo Company, Model: BCM4, multi-caliber rifle, bearing serial number A039036;**
- 3. Aero Precision, Model: M4E1, multi-caliber rifle, bearing serial number M400006261;**
- 4. Core 15, Model: CORE15, multi-caliber rifle, bearing serial number GTOC100030;**

- 5. Dreadnaught Industries, Model: DI-15, multi-caliber rifle, bearing serial number Z000334; and**
- 6. Any and all related ammunition and firearms accessories,**

hereinafter referred to as the Subject Personal Properties.

As part of his guilty plea, Defendant RICARDO SERRANO, agreed to immediately and voluntarily forfeit all his right, title, and interest in the Subject Personal Properties.

II.

The United States of America moves the Court to find that Defendant RICARDO SERRANO, has an interest in the Subject Personal Properties and that the United States of America has proven by a preponderance of the evidence the nexus between the Subject Personal Properties and the violation of Title 18 U.S.C. § 922(a)(1)(A), by virtue of the Defendant RICARDO SERRANO's Plea Agreement (Doc. 3) with the factual basis included therein.

III.

Accordingly, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture, which forfeits all right, title, and interest of Defendant RICARDO SERRANO, in the Subject Personal Properties.

IV.

The United States moves the Court, pursuant to Title 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2(b)(3), for an Order authorizing the United States through its lawfully designated agents and agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, to seize, take custody, control and possession of the Subject Personal Properties whether held by Defendant RICARDO SERRANO, or a third party.

V.

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6)(A) and (C) and Title 21 U.S.C. § 853(n)(1), for an Order authorizing the United States to cause publication

for at least 30 consecutive days on an official government internet web site (www.forfeiture.gov) of notice of the Preliminary Order of Forfeiture, and of its intent to dispose of the Subject Personal Properties in such manner as the United States directs.

The United States of America further moves this Court for an Order authorizing that the contents of the published notice be in compliance with Fed. R. Crim. P. 32.2(b)(6)(B).

VI.

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6), for an Order authorizing the United States to send direct notice of the Preliminary Order of Forfeiture to any person or entity who reasonably appears to the United States to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding.

The United States of America further moves this Honorable Court that Appendix A¹ be served on potential petitioners along with the Preliminary Order of Forfeiture.

VII.

Pursuant to Fed. R. Crim. P. 32.2(c)(1)(B) and in an effort to promote judicial economy, the United States further moves the Court for an Order authorizing the United States to commence discovery proceedings at the time that any petitions are filed in order to resolve any third-party issues, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas, pursuant to Fed. R. Civ. P. 45.

VIII.

Lastly, the United States moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(4)(B), to

¹ Appendix A, which is entitled “Direct Notice of Preliminary Order of Forfeiture,” sets forth the appropriate procedures, deadlines and applicable statutes necessary to file a third-party petition.

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2018, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Jesse Guadalupe Rivera
Law Offices of Jesse G. Rivera
2611 San Pedro
San Antonio, TX 78212
Email: l.rivera@att.net
Attorney for Defendant RICARDO SERRANO

/s/

MARY NELDA G. VALADEZ
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. SA-18-CR-233-XR
)	
RICARDO SERRANO,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

Came on to be considered the United States of America's Motion for Preliminary Order of Forfeiture, pursuant to the provisions of Title 21 U.S.C. §§ 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2), 32.2(b)(2)(B), and 32.2(c)(1), and this Court being fully and wholly apprised in all its premises, finds that the United States has established by a preponderance of the evidence a nexus between the below described property and the violations of Title 18 U.S.C. § 922(a)(1)(A), by virtue of Defendant RICARDO SERRANO's Plea Agreement with the factual basis contained therein, and that the Defendant has an interest in said properties. As such, said Motion is meritorious, and hereby is in all things GRANTED. IT IS THEREFORE

ORDERED that all right, title, and interest of Defendant RICARDO SERRANO, in certain properties, namely:

1. **Spike's Tactical LLC, Model: ST-15 Crusader, multi-caliber rifle, bearing serial number DV031784;**
2. **Bravo Company, Model: BCM4, multi-caliber rifle, bearing serial number A039036;**
3. **Aero Precision, Model: M4E1, multi-caliber rifle, bearing serial number M40000626l;**
4. **Core 15, Model: CORE15, multi-caliber rifle, bearing serial number GTOC100030;**
5. **Dreadnaught Industries, Model: DI-15, multi-caliber rifle, bearing serial number Z000334; and**

6. Any and all related ammunition and firearms accessories,

hereinafter referred to as the Subject Personal Properties be, and hereby is, FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that upon entry of the Preliminary Order of Forfeiture, the United States through its lawfully designated agents and agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, shall seize, take custody, control, and possession of the Subject Personal Properties whether held by the defendant or a third party; and IT IS FURTHER

ORDERED that the United States shall cause publication for at least 30 consecutive days on an official government internet website (www.forfeiture.gov) of the notice of the Preliminary Order of Forfeiture and of its intent to dispose of the Subject Personal Properties in such manner as the United States directs. The United States must send notice to any person or entity who reasonably appears to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding; and IT IS FURTHER

ORDERED that the United States shall send Direct Notice of the Preliminary Order of Forfeiture, Appendix A, which is attached to the United States of America's Motion for Preliminary Order of Forfeiture, and incorporated herein to those known to the United States to have an interest in the Subject Personal Properties; and IT IS FURTHER

ORDERED that in the event a third-party petition is filed as to the Subject Personal Properties the United States shall commence discovery proceedings to resolve any third-party issues, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas, pursuant to Fed. R. Civ. P. 45; and IT IS FURTHER

ORDERED that at the time of the sentencing of Defendant RICARDO SERRANO, the forfeiture of the Subject Personal Properties shall be included in his Judgment in a Criminal Case.

IT IS SO ORDERED.

SIGNED this _____ day of June, 2018.

XAVIER RODRIGUEZ
United States District Judge